R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner's allowance of claims 30 and 37-39 and the Examiner's indication of the allowability of the subject matter of claims 35 and 36 are respectfully acknowledged.

Claims 35 and 36, however, have not been rewritten in independent form at this time since, as set forth in detail below, it is respectfully submitted that their parent claim 34 also recites allowable subject matter.

THE CLAIMS

Claims 18 and 34 previously recited "a second sound absorbing member formed by filling a sound absorbing material in at least one said space." In the Final Office Action dated November 6, 2009, the Examiner asserts that "'formed by filling' is a process step not given patentable weight in a product claim" (see the top of page 3 of the Office Action).

It is respectfully submitted that the Examiner was incorrect to disregard the words "formed by filling," because "formed by filling" implies specific structure, namely that the sound absorbing material "fill[s]" the space. According to MPEP 2113

(cited by the Examiner), the structure implied by a process step should be considered in a product-by-process claim. Thus, even if the Examiner considered "formed by filling" in claims 18 and 34 to be a process step, the Examiner was required to consider the structure implied by the step.

Nevertheless, to advance prosecution, claims 18 and 34 have been amended to more structurally recite the feature disregarded by the Examiner. Amended independent claims 18 and 34 now recite "a second sound absorbing member ~~formed by filling~~ comprising a sound absorbing material ~~in~~ filling at least one said space."

The subject matter of amended claims 18 and 34 should already have been considered (but was not), as explained above. Accordingly, it is respectfully submitted that no new matter has been added and that no new issues have been raised which require further consideration on the merits and/or a new search. It is respectfully requested, therefore, that the amendments to the claims be approved and entered under 37 CFR 1.116.

THE PRIOR ART REJECTION

Claims 18, 26 and 34 were rejected under 35 USC 103 as being obvious in view of the combination of USP 5,744,763 ("Iwasa et al") and USP 5,472,760 ("Norvell"); claim 20 was rejected under 35 USC 103 as being obvious in view of the combination of Iwasa et al and JP 63-188544 ("Tokunaga et al"); claims 21-23 were

rejected under 35 USC 103 as being obvious in view of the combination of Iwasa et al and USP 5,595,415 ("Beaulat"); and claim 27 was rejected under 35 USC 103 as being obvious in view of the combination of Iwasa et al, Norvell, and "obvious common knowledge." These rejections, however, are respectfully traversed.

According to amended independent claim 18, the interior member comprises a second sound absorbing member comprising a sound absorbing material filling at least one space defined by the ribs at the second side of the foundation body panel. According to amended independent claim 34, the interior member comprises a second sound absorbing member comprising a sound absorbing material filling at least one space defined by the ribs and closed by the outer metal plate at the second side of the foundation body panel.

With this structure, the sound absorbing effect of the interior member can be further enhanced. For example, two different sound absorbing members having different properties can be used to fill spaces divided by the ribs as needed (see claim 26 for different kinds of "second" sound absorbing members that can be used). The second sound absorbing member may have a sound absorbing function that does not hinder random reflections, so that the attenuation function of random reflections in the space can be maintained. That is, the provision of the second sound

absorbing member can enable a double sound insulating effect (random reflection in the space and sound absorbing by the second sound absorbing member).

As recognized by the Examiner, Iwasa et al does not disclose a second sound absorbing member in the manner recited in claims 18 and 34 (page 3, lines 9-11 of the Final Office Action).

For this reason, the Examiner has cited Norvell to supply the missing teaching of Iwasa et al. According to the Examiner, Norvell discloses "two sound absorbing members (50, 52) separated by a foundation body panel (54)" (Final Office Action page 3, lines 12 and 13).

It is respectfully submitted, however, that even if the combination suggested by the Examiner were considered to be reasonable, Iwasa et al and Novell do not teach or suggest a second sound absorbing member comprising a sound absorbing material filling at least one space defined by the ribs at the second side of the foundation body panel as in claims 18 and 34 of the present invention.

Indeed, according to Iwasa et al, elements 51 (interpreted by the Examiner as the at least one space defined by the ribs as recited in claims 18 and 34) in the structure of Fig. 15 are intentionally provided as air pockets to "increase overall acoustic absorptivity" even if the thickness of the layer 11 is

reduced, such that "the entire weight of the soundproofing material 90 can be reduced" (column 11, lines 46-51).

It is respectfully pointed out that even if the Examiner's interpretation of Norvell as disclosing a second sound absorbing member were considered to be reasonable, the teachings of Norvell would not suggest filling the intentionally-provided air pockets 51 of Iwasa et al with a sound absorbing material. In fact, according to Iwasa et al, the air pockets are provided to enable sufficient sound reduction even if the amount of material provided for sound absorbing (rubber 11) is reduced.

Accordingly, it is respectfully submitted that Iwasa and Novell do not teach or suggest a second sound absorbing member comprising a sound absorbing material filling at least one space defined by the ribs at the second side of the foundation body panel as in claims 18 and 34 of the present invention.

Furthermore, independent claim 21 recites an interior member for a cab of a work vehicle wherein the foundation body panel comprises a portion for attaching an electrical wire member channel at the second side of the foundation body panel. In addition, independent claim 22 recites an interior member for a cab of a work vehicle wherein the foundation body panel is made of a material having heat insulating properties, and wherein the foundation body panel comprises a portion for forming an air

conditioning duct at the second side of the foundation body panel.

With respect to independent claims 21 and 22, the Examiner acknowledges on page 5 of the Final Office Action that Iwasa does not disclose that "the foundation body panel comprises a portion for attaching an electrical wire member channel at the second side of the foundation body panel" (claim 21) or that "the foundation body panel comprises a portion for forming an air conditioning duct at the second side of the foundation body panel" (claim 22). For this reason, the Examiner has cited Beaulat to supply the missing teachings of Iwasa.

Beaulat discloses a volume (4) as a ventilation duct and a volume (5) for electrical cables. However, according to Beaulat, the volumes (4) and (5) are provided between a first panel (3a), which is a foam panel, and a second panel (3b), which is a foam shell. See, for example, Fig. 1. By contrast, element 91 of Iwasa et al, which the Examiner asserts corresponds to the foundation body panel of the present invention, is merely a felt layer (as recognized by the Examiner).

It is respectfully submitted that the disclosure of providing volumes for ventilation and electrical cables between a foam panel and a foam shell (as according to Beaulat) does not suggest providing a portion of a felt layer (as according to Iwasa et al) as a portion for attaching an electrical wire member

channel, or providing a portion of a felt layer (as according to Iwasa et al) as a portion for forming an air conditioning duct.

Thus, it is respectfully submitted that it would not have been obvious to apply the technique disclosed by Beaulat to the structure disclosed by Iwasa et al as suggested by the Examiner to achieve the structure recited in claims 21 and 22 whereby "the foundation body panel comprises a portion for attaching an electrical wire member channel at the second side of the foundation body panel" (claim 21) and "the foundation body panel comprises a portion for forming an air conditioning duct at the second side of the foundation body panel" (claim 22).

In view of the foregoing, it is respectfully submitted that the present invention as recited in amended independent claims 18 and 34, independent claims 21 and 22, and all of the claims respectively depending therefrom, clearly patentably distinguishes over the cited references under 35 USC 103.

* *

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, New York 10001-7708
Tel. No. (212) 319-4900
Fax No. (212) 319-5101

DH:iv/nk
encs.